GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 133

AS ENACTED

TUESDAY, MARCH 24, 2015

RECEIVED AND FILED
DATE April 6, 2015
5:14pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to driving under the influence.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189A.005 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

5 (1) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood
6 or grams of alcohol per 210 liters of breath;

7 (2) "Ignition interlock device" means a device***, certified by the Transportation Cabinet***
8 ***for use in this Commonwealth under subsection (1) of Section 15 of this Act,*** that
9 connects a motor vehicle ignition system or motorcycle ignition system to a breath
10 alcohol analyzer and prevents a motor vehicle ignition or motorcycle ignition from
11 starting, and from continuing to operate, if a driver's breath alcohol concentration
12 exceeds 0.02, as measured by the device;

13 (3) ***"Ignition Interlock Certification of Installation" means a certificate providing***
14 ***that the installed ignition interlock device is certified for use in the***
15 ***Commonwealth under subsection (1) of Section 15 of this Act;***

16 ***(4) "Ignition Interlock Device Provider" means any person or company engaged in***
17 ***the business of manufacturing, selling, leasing, servicing, or monitoring ignition***
18 ***interlock devices within the Commonwealth;***

19 ***(5) "Ignition interlock license" means a motor vehicle or motorcycle operator's***
20 ***license issued or granted by the laws of the Commonwealth of Kentucky that,***
21 ***with limited exceptions, permits a person to drive only motor vehicles or***
22 ***motorcycles equipped with a functioning ignition interlock device;***

23 ***(6)*** "License" means any driver's or operator's license or any other license or permit to
24 operate a motor vehicle issued under or granted by the laws of this state including:

25 (a) Any temporary license or instruction permit;

26 (b) The privilege of any person to obtain a valid license or instruction permit, or
27 to drive a motor vehicle whether or not the person holds a valid license; and

1 (c) Any nonresident's operating privilege as defined in KRS Chapter 186 or 189;
2 ***(7)***[~~(4)~~] "Limited access highway" has the same meaning as "limited access facility"
3 does in KRS 177.220;
4 ***(8)***[~~(5)~~] "Refusal" means declining to submit to any test or tests pursuant to KRS
5 189A.103. Declining may be either by word or by the act of refusal. If the breath
6 testing instrument for any reason shows an insufficient breath sample and the
7 alcohol concentration cannot be measured by the breath testing instrument, the law
8 enforcement officer shall then request the defendant to take a blood or urine test in
9 lieu of the breath test. If the defendant then declines either by word or by the act of
10 refusal, he shall then be deemed to have refused if the refusal occurs at the site at
11 which any alcohol concentration or substance test is to be administered;
12 ***(9)***[~~(6)~~] When age is a factor, it shall mean age at the time of the commission of the
13 offense; and
14 ***(10)***[~~(7)~~] Unless otherwise provided, license suspensions under this chapter shall be
15 imposed by the court. The court shall impose the applicable period of license
16 suspension enumerated by this chapter and shall include in its order or judgment the
17 length and terms of any suspension imposed. The license suspension shall be
18 deemed effective on the date of entry of the court's order or judgment. The role of
19 the Transportation Cabinet shall be limited to administering the suspension period
20 under the terms and for the duration enumerated by the court in its order or
21 judgment.
22 ➔Section 2. KRS 189A.070 is amended to read as follows:
23 (1) Unless the person is under eighteen (18) years of age, in addition to the penalties
24 specified in KRS 189A.010, a person convicted of violation of KRS
25 189A.010(1)(a), (b), (c), (d), or (e) shall have his ***or her*** license to operate a motor
26 vehicle or motorcycle revoked by the court as follows:
27 (a) For the first offense within a five (5) year period, for a period of not less than

1 thirty (30) days nor more than one hundred twenty (120) days;
2 (b) For the second offense within a five (5) year period, for a period of not less
3 than twelve (12) months nor more than eighteen (18) months;
4 (c) For a third offense within a five (5) year period, for a period of not less than
5 twenty-four (24) months nor more than thirty-six (36) months; and
6 (d) For a fourth or subsequent offense within a five (5) year period, sixty (60)
7 months.
8 (e) For purposes of this section, "offense" shall have the same meaning as
9 described in KRS 189A.010(5)(e).
10 (2) In determining the five (5) year period under this section, the period shall be
11 measured from the dates on which the offenses occurred for which the judgments of
12 conviction were entered.
13 (3) In addition to the period of license revocation set forth in subsection (1) or (7) of
14 this section, no person shall be eligible for reinstatement of his ***or her full*** privilege
15 to operate a motor vehicle until he has completed the alcohol or substance abuse
16 education or treatment program ordered pursuant to KRS 189A.040.
17 (4) A person under the age of eighteen (18) who is convicted of violation of KRS
18 189A.010(1)(a), (b), (c), (d), or (e) shall have his license revoked by the court until
19 he reaches the age of eighteen (18) or shall have his license revoked as provided in
20 subsection (1) or (7) of this section, whichever penalty will result in the longer
21 period of revocation or court-ordered driving conditions.
22 (5) Licenses revoked pursuant to this chapter shall forthwith be surrendered to the court
23 upon conviction. The court shall transmit the conviction records, and other
24 appropriate information to the Transportation Cabinet. A court shall not waive or
25 stay this procedure.
26 (6) Should a person convicted under this chapter whose license is revoked fail to
27 surrender it to the court upon conviction, the court shall issue an order directing the

1 sheriff or any other peace officer to seize the license forthwith and deliver it to the
2 court.
3 (7) ***After a minimum of twelve (12) months from the effective date of the revocation,***
4 a person whose license has been revoked pursuant to subsection (1)(b), (c), or (d) of
5 this section may move the court to reduce the[~~ applicable minimum~~] period of
6 revocation ***on a day-for-day basis for each day the person held a valid ignition***
7 ***interlock license under Section 11 of this Act***[~~by one-half (1/2)~~], but in no case
8 ***shall the reduction reduce the period of ignition interlock use to*** less than twelve
9 (12) months. The court may, upon a written finding in the record for good cause
10 shown, order such a period to be reduced ***to not***[~~ by one-half (1/2), but in no case~~]
11 less than twelve (12) months, if[~~ the following conditions are satisfied~~]:
12 (a) The person ***maintained a valid ignition interlock license and did***[~~shall~~] not
13 operate a motor vehicle or motorcycle without ***a functioning***[~~an~~] ignition
14 interlock device as provided for in ***Section 11 of this Act***[~~ KRS 189A.340(2)~~];
15 (b) The person ***did***[~~shall~~] not operate a motor vehicle or motorcycle ***in violation***
16 ***of any restrictions***[~~at any other time and for any other purposes than those~~]
17 specified by the court; and
18 (c) The ***functioning*** ignition interlock device ***was***[~~shall be~~] installed on the motor
19 vehicle or motorcycle for a period of time not less than ***twelve (12)***
20 ***months***[~~the applicable minimum period of revocation provided for~~] under
21 subsection (1)(b), (c), or (d) of this section[~~ nor for more than the respective~~
22 ~~maximum period of revocation provided for under subsection (1)(b), (c), or~~
23 ~~(d) of this section~~].
24 (8) Upon a finding of a violation of any of the conditions specified in subsection (7) of
25 this section or of the order permitting any reduction in a minimum period of
26 revocation that is issued pursuant thereto, the court shall dissolve such an order and
27 the person shall receive no credit toward the minimum period of revocation required

1 under subsection (1)(b), (c), or (d) of this section.

2 ➔Section 3. KRS 189A.085 is amended to read as follows:

3 (1) Unless***, at the final sentencing hearing of a person who has been convicted of a***
4 ***second or subsequent offense under KRS 189A.010, the person provides proof***
5 ***that the requirements of Section 11 of this Act have been met for issuance of an***
6 ***ignition interlock license***~~[the court orders installation of an ignition interlock~~
7 ~~device under KRS 189A.340, upon the conviction of a second or subsequent offense~~
8 ~~of KRS 189A.010]~~, ***the***~~[a]~~ person shall have the license plate or plates on all of the
9 motor vehicles owned by him or her, either solely or jointly, impounded by the
10 court of competent jurisdiction in accordance with the following procedures:

11 (a) At the final sentencing hearing, the person~~[who has been convicted of a~~
12 ~~second or subsequent offense of KRS 189A.010(1)(a), (b), (c), (d), or (e)]~~
13 shall physically surrender any and all license plate or plates currently in force
14 on any motor vehicle owned either individually or jointly by him or her to the
15 court. The order of the court suspending the license plate or plates shall not
16 exceed the time for the suspension of the motor vehicle operator's license of
17 the second or subsequent offender as specified in KRS 189A.070.

18 (b) The clerk of the court shall retain any surrendered plate or plates and transmit
19 all surrendered plate or plates to the Transportation Cabinet in the manner set
20 forth by the Transportation Cabinet in administrative regulations promulgated
21 by the Transportation Cabinet.

22 (2) Upon application, the court may grant hardship exceptions to family members or
23 other individuals affected by the surrender of any license plate or plates of any
24 vehicle owned by the second or subsequent offender. Hardship exceptions may be
25 granted by the court to the second or subsequent offender's family members or other
26 affected individuals only if the family members or other affected individuals prove
27 to the court's satisfaction that their inability to utilize the surrendered vehicles

1 would pose an undue hardship upon the family members or affected other
2 individuals. Upon the court's granting of hardship exceptions, the clerk or the
3 Transportation Cabinet as appropriate, shall return to the family members or other
4 affected individuals the license plate or plates of the vehicles of the second or
5 subsequent offender for their utilization. The second or subsequent offender shall
6 not be permitted to operate a vehicle for which the license plate has been suspended
7 or for which a hardship exception has been granted under any circumstances.
8 (3) If the license plate of a jointly owned vehicle is impounded, this vehicle may be
9 transferred to a joint owner of the vehicle who was not the violator.
10 (4) If the license plate of a motor vehicle is impounded, the vehicle may be transferred.
11 ➔Section 4. KRS 189A.090 is amended to read as follows:
12 (1) No person shall operate or be in physical control of a motor vehicle while his ***or her***
13 license is revoked or suspended ***under KRS Chapter 189A, or upon the conclusion***
14 ***of a license revocation period pursuant to Section 8 of this Act***~~[under KRS~~
15 ~~189A.010(6), 189A.070, 189A.107, 189A.200, or 189A.220]~~ ***unless the person has***
16 ***his or her valid ignition interlock license in the person's possession and the***~~[, or~~
17 ~~operate or be in physical control of a]~~ motor vehicle ***or motorcycle is equipped***
18 ***with***~~[without]~~ a functioning ignition interlock device ***as required by Section 11 of***
19 ***this Act***~~[in violation of KRS 189A.345(1)]~~.
20 (2) In addition to any other penalty imposed by the court, any person who violates
21 subsection (1) of this section shall:
22 (a) For a first offense within a five (5) year period, be guilty of a Class B
23 misdemeanor and have his license revoked by the court for six (6) months,
24 unless at the time of the offense the person was also operating or in physical
25 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
26 (e), in which event he shall be guilty of a Class A misdemeanor and have his
27 license revoked by the court for a period of one (1) year;

1 (b) For a second offense within a five (5) year period, be guilty of a Class A
2 misdemeanor and have his license revoked by the court for one (1) year,
3 unless at the time of the offense the person was also operating or in physical
4 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
5 (e), in which event he shall be guilty of a Class D felony and have his license
6 revoked by the court for a period of two (2) years;
7 (c) For a third or subsequent offense within a five (5) year period, be guilty of a
8 Class D felony and have his license revoked by the court for two (2) years,
9 unless at the time of the offense the person was also operating or in physical
10 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
11 (e), in which event he shall be guilty of a Class D felony and have his license
12 revoked by the court for a period of five (5) years.
13 ***(d) At the sole discretion of the court, in the interest of public safety and upon a***
14 ***written finding in the record for good cause shown, the court may order***
15 ***that, following any period of incarceration required for the conviction of an***
16 ***offense under paragraph (a), (b), or (c) of this subsection, the eligible***
17 ***person is authorized to apply for and the cabinet shall issue to the person an***
18 ***ignition interlock license for the remainder of the original period of***
19 ***suspension or revocation and for the entire period of the new revocation if***
20 ***the person is and remains otherwise eligible for such license.***
21 (3) The five (5) year period under this section shall be measured in the same manner as
22 in KRS 189A.070.
23 (4) ~~[After one (1) year of the period of revocation provided for in subsection (2)(b) or~~
24 ~~(c) of this section has elapsed, a person whose license has been revoked pursuant to~~
25 ~~either of those subsections may move the court to have an ignition interlock device~~
26 ~~installed for the remaining portion of the period of revocation. The court may, upon~~
27 ~~a written finding in the record for good cause shown, order an ignition interlock~~

1 ~~device installed if the following conditions are satisfied:~~
2 ~~(a) The person shall not operate a motor vehicle or motorcycle without an ignition~~
3 ~~interlock device as provided for in KRS 189A.340(2);~~
4 ~~(b) The person shall not operate a motor vehicle or motorcycle at any other time~~
5 ~~and for any other purposes than those specified by the court; and~~
6 ~~(c) The ignition interlock device shall be installed on the motor vehicle or~~
7 ~~motorcycle for a period of time not less than the period of revocation required~~
8 ~~for the person under subsection (2)(b) or (c) of this section.~~
9 ~~(5)~~]Upon a finding of a violation of any of the ***requirements of an ignition interlock***
10 ***license***[~~conditions specified in subsection (4) of this section or of the order~~
11 ~~permitting the installation of an ignition interlock device in lieu of the remaining~~
12 ~~period of revocation that is issued pursuant thereto~~], the court shall dissolve such an
13 order and the person shall receive no credit toward the remaining period of
14 revocation required under subsection (2)(b) or (c) of this section.
15 ➔Section 5. KRS 189A.105 is amended to read as follows:
16 (1) A person's refusal to submit to tests under KRS 189A.103 shall result in revocation
17 of his driving privilege as provided in this chapter.
18 (2) (a) At the time a breath, blood, or urine test is requested, the person shall be
19 informed:
20 1. That, if the person refuses to submit to such tests, the fact of this refusal
21 may be used against him in court as evidence of violating KRS
22 189A.010 and will result in revocation of his driver's license, and if the
23 person refuses to submit to the tests and is subsequently convicted of
24 violating KRS 189A.010(1) then he will be subject to a mandatory
25 minimum jail sentence which is twice as long as the mandatory
26 minimum jail sentence imposed if he submits to the tests, and that if the
27 person refuses to submit to the tests ***his or her license will be suspended***

1 ***by the court at the time of arraignment, and*** he ***or she*** will be unable to
2 obtain ***an ignition interlock license during the suspension period***[~~a~~
3 ~~hardship license~~]; and
4 2. That, if a test is taken, the results of the test may be used against him in
5 court as evidence of violating KRS 189A.010(1), and that ***although his***
6 ***or her license will be suspended, he or she may be eligible immediately***
7 ***for an ignition interlock license allowing him or her to drive during***
8 ***the period of suspension and, if he or she is convicted, he or she will***
9 ***receive a credit toward any other ignition interlock requirement***
10 ***arising from this arrest***[~~if the results of the test are 0.15 or above and~~
11 ~~the person is subsequently convicted of violating KRS 189A.010(1),~~
12 ~~then he will be subject to a sentence that is twice as long as the~~
13 ~~mandatory minimum jail sentence imposed if the results are less than~~
14 ~~0.15~~]; and
15 3. That if the person first submits to the requested alcohol and substance
16 tests, the person has the right to have a test or tests of his blood
17 performed by a person of his choosing described in KRS 189A.103
18 within a reasonable time of his arrest at the expense of the person
19 arrested.
20 (b) Nothing in this subsection shall be construed to prohibit a judge of a court of
21 competent jurisdiction from issuing a search warrant or other court order
22 requiring a blood or urine test, or a combination thereof, of a defendant
23 charged with a violation of KRS 189A.010, or other statutory violation arising
24 from the incident, when a person is killed or suffers physical injury, as defined
25 in KRS 500.080, as a result of the incident in which the defendant has been
26 charged. However, if the incident involves a motor vehicle accident in which
27 there was a fatality, the investigating peace officer shall seek such a search

1 warrant for blood, breath, or urine testing unless the testing has already been
2 done by consent. If testing done pursuant to a warrant reveals the presence of
3 alcohol or any other substance that impaired the driving ability of a person
4 who is charged with and convicted of an offense arising from the accident, the
5 sentencing court shall require, in addition to any other sentencing provision,
6 that the defendant make restitution to the state for the cost of the testing.
7 (3) During the period immediately preceding the administration of any test, the person
8 shall be afforded an opportunity of at least ten (10) minutes but not more than
9 fifteen (15) minutes to attempt to contact and communicate with an attorney and
10 shall be informed of this right. Inability to communicate with an attorney during this
11 period shall not be deemed to relieve the person of his obligation to submit to the
12 tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain
13 applicable to the person upon refusal. Nothing in this section shall be deemed to
14 create a right to have an attorney present during the administration of the tests, but
15 the person's attorney may be present if the attorney can physically appear at the
16 location where the test is to be administered within the time period established in
17 this section.
18 (4) Immediately following the administration of the final test requested by the officer,
19 the person shall again be informed of his right to have a test or tests of his blood
20 performed by a person of his choosing described in KRS 189A.103 within a
21 reasonable time of his arrest at the expense of the person arrested. He shall then be
22 asked "Do you want such a test?" The officer shall make reasonable efforts to
23 provide transportation to the tests.
24 ➔Section 6. KRS 189A.107 is amended to read as follows:
25 (1) A person who refuses to submit to an alcohol concentration or substance test
26 requested by an officer having reasonable grounds to believe that the person
27 violated KRS 189A.010(1) shall have his driver's license suspended by the court

1 during the pendency of the action under KRS 189A.200 ***unless, at the time of***
2 ***arraignment, the person files a motion with the court waiving the right to judicial***
3 ***review of the suspension, after which the court, in its discretion, may authorize***
4 ***the person to apply to the cabinet for issuance of an ignition interlock license***
5 ***under Section 11 of this Act for the period of the suspension. If the person***
6 ***complies with the requirements of Section 11 of this Act and is otherwise eligible,***
7 ***the cabinet shall issue the person an ignition interlock license for the remainder***
8 ***of the suspension period and apply the court-determined credit on a day-for-day***
9 ***basis for any subsequent ignition interlock requirement arising from the same***
10 ***incident***.
11 (2) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a
12 case in which it is alleged that he refused to take an alcohol concentration or
13 substance test, upon motion of the attorney for the Commonwealth, the court shall
14 conduct a hearing, without a jury, to determine by clear and convincing evidence if
15 the person actually refused the testing. However, the hearing shall not be required if
16 the court has made a previous determination of the issue at a hearing held under
17 KRS 189A.200 and 189A.220. If the court finds that the person did refuse to submit
18 to the testing, the court shall suspend the person's driver's license for a period of
19 time within the time range specified that the license would have been suspended
20 upon conviction as set forth in KRS 189A.070(1)***, except that the court, in its***
21 ***discretion, may authorize the person to apply to the cabinet for issuance of an***
22 ***ignition interlock license under Section 11 of this Act for the period of the***
23 ***suspension. If the person complies with the requirements of Section 11 of this Act***
24 ***and is otherwise eligible, the cabinet shall issue the person an ignition interlock***
25 ***license for the remainder of the suspension period and grant the person day-for-***
26 ***day credit for any subsequent ignition interlock requirement arising from the***
27 ***same incident***.

1 ➔Section 7. KRS 189A.200 is amended to read as follows:
2 (1) The court shall at the arraignment or as soon as such relevant information becomes
3 available suspend the motor vehicle operator's license and motorcycle operator's
4 license and driving privileges of any person charged with a violation of KRS
5 189A.010(1) who:
6 (a) Has refused to take an alcohol concentration or substance test as reflected on
7 the uniform citation form;
8 (b) Has been convicted of one (1) or more prior offenses as described in KRS
9 189A.010(5)(e) or has had his operator's license revoked or suspended on one
10 (1) or more occasions for refusing to take an alcohol concentration or
11 substance test, in the five (5) year period immediately preceding his arrest; or
12 (c) Was involved in an accident that resulted in death or serious physical injury as
13 defined in KRS 500.080 to a person other than the defendant.
14 (2) Persons whose licenses have been suspended pursuant to this section may file a
15 motion for judicial review of the suspension, and the court shall conduct the review
16 in accordance with this chapter within thirty (30) days after the filing of the motion.
17 The court shall, at the time of the suspension, advise the defendant of his rights to
18 the review. ***If the person files a motion with the court waiving the right to judicial***
19 ***review of the suspension, the court, in its discretion, may authorize the person to***
20 ***apply to the cabinet for issuance of an ignition interlock license under Section 11***
21 ***of this Act for the period of the suspension. If the person complies with Section***
22 ***11 of this Act and is otherwise eligible, the cabinet shall issue the person an***
23 ***ignition interlock license for the remainder of the suspension period and apply***
24 ***the court-determined credit on a day-for-day basis for any subsequent ignition***
25 ***interlock requirement arising from the same incident.***
26 (3) When the court orders the suspension of a license pursuant to this section, the
27 defendant shall immediately surrender the license to the Circuit Court clerk, and the

1 court shall retain the defendant in court or remand him into the custody of the
2 sheriff until the license is produced and surrendered. If the defendant has lost his
3 operator's license, other than due to a previous suspension or revocation, which is
4 still in effect, the sheriff shall take him to the office of the circuit clerk so that a new
5 license can be issued. If the license is currently under suspension or revocation, the
6 provisions of this subsection shall not apply.
7 (4) The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet any
8 license surrendered to him pursuant to this section.
9 (5) Licenses suspended under this section shall remain suspended until a judgment of
10 conviction or acquittal is entered in the case or until the court enters an order
11 terminating the suspension, but in no event for a period longer than the maximum
12 license suspension period applicable to the person under KRS 189A.070 and
13 189A.107. ***Nothing in this subsection shall prevent the person from filing a***
14 ***motion for, the court from granting, or the cabinet from issuing an ignition***
15 ***interlock license under subsection (2) of this section.***
16 (6) Any person whose operator's license has been suspended pursuant to this section
17 shall be given credit for all pretrial suspension time against the period of revocation
18 imposed. Licenses suspended under this section shall remain suspended until a
19 judgment of conviction or acquittal is entered in the case or until the court enters an
20 order terminating the suspension, but in no event for a period longer than the
21 maximum license suspension period applicable to the person under KRS 189A.070
22 and 189A.107.
23 ➔Section 8. KRS 189A.340 is amended to read as follows:
24 (1) ~~[In lieu of ordering license plate impoundment under KRS 189A.085 of a person~~
25 ~~convicted of a second or subsequent violation of KRS 189A.010, the court may~~
26 ~~order installation of an ignition interlock device as provided in this section as~~
27 ~~follows:~~

1 ~~(a)~~]Except as provided in ***subsection (4) of Section 11 of this Act***[~~ paragraph (d)~~
2 ~~of this subsection~~], at the time that the court revokes a person's license under
3 any provision of KRS 189A.070[~~ other than KRS 189A.070(1)(a)~~], ***for an***
4 ***offense in violation of KRS 189A.010(a),(b),(e), or (f),*** the court shall also
5 order that, at the conclusion of the license revocation, ***any license*** the person
6 shall be ***issued shall restrict the person to***[~~prohibited from~~] operating ***only***
7 ***a***[~~any~~] motor vehicle or motorcycle ***equipped with***[~~without~~] a functioning
8 ignition interlock device.
9 ***(a)***[~~(b)~~] ***The ignition interlock periods shall be as follows:***
10 1. The first time in a five (5) year period[~~ that a person is penalized under~~
11 ~~this section~~], a functioning ignition interlock device shall be installed for
12 a period of six (6) months***, if at the time of offense, any of the***
13 ***aggravating circumstances listed under subsection (11) of KRS***
14 ***189A.010 were present while the person was operating or in physical***
15 ***control of a motor vehicle***.
16 2. The second time in a five (5) year period[~~ that a person is penalized~~
17 ~~under this section~~], a functioning ignition interlock device shall be
18 installed for a period of twelve (12) months.
19 3. The third or subsequent time in a five (5) year period[~~ that a person is~~
20 ~~penalized under this section~~], a functioning ignition interlock device
21 shall be installed for a period of thirty (30) months.
22 ~~[4. The person whose license has been suspended for a second or~~
23 ~~subsequent violation of KRS 189A.010 shall not be able to apply to the~~
24 ~~court for permission to install an ignition interlock device until the~~
25 ~~person has completed one (1) year of license suspension without any~~
26 ~~subsequent conviction for a violation of KRS 189A.010 or 189A.090. If~~
27 ~~the court grants permission to install an ignition interlock device, an~~

1 ~~ignition interlock device shall be installed on all vehicles owned or~~
2 ~~leased by the person whose license has been suspended.]~~
3 ***(b)***[~~(c)~~] In determining the five (5) year period under paragraph ***(a)***[~~(b)~~] of this
4 subsection, the period shall be measured from the dates on which the offenses
5 occurred for which the judgments of conviction were entered, resulting in the
6 license revocations described in KRS 189A.070.
7 [~~(d) If the court finds that a person is required to operate a motor vehicle or motorcycle~~
8 ~~in the course and scope of the person's employment and the motor vehicle or~~
9 ~~motorcycle is owned by the employer, then the court shall order that the person may~~
10 ~~operate that motor vehicle or motorcycle during regular working hours for the~~
11 ~~purposes of his or her employment without installation of a functioning ignition~~
12 ~~interlock device on that motor vehicle or motorcycle if the employer has been~~
13 ~~notified of the prohibition established under paragraphs (a), (b), and (c) of this~~
14 ~~subsection.~~
15 ~~(2) Upon ordering the installation of a functioning ignition interlock device, the court,~~
16 ~~without a waiver or a stay of the following procedure, shall:~~
17 ~~(a) Transmit its order and other appropriate information to the Transportation Cabinet;~~
18 ~~(b) Direct that the Transportation Cabinet records reflect:~~
19 ~~1. That the person shall not operate a motor vehicle or motorcycle without a~~
20 ~~functioning ignition interlock device, except as provided in paragraph (d) of~~
21 ~~subsection (1) of this section; and~~
22 ~~2. Whether the court has expressly permitted the person to operate a motor vehicle or~~
23 ~~motorcycle without a functioning ignition interlock device, as provided in paragraph~~
24 ~~(d) of subsection (1) of this section;~~
25 ~~(c) Direct the Transportation Cabinet to attach or imprint a notation on the driver's~~
26 ~~license of any person restricted under this section stating that the person shall~~
27 ~~operate only a motor vehicle or motorcycle equipped with a functioning ignition~~

1 ~~interlock device. However, if the exception provided for in paragraph (d) of~~
2 ~~subsection (1) of this section applies, the notation shall indicate the exception;~~
3 ~~(d) Require proof of the installation of the functioning ignition interlock device and~~
4 ~~periodic reporting by the person for the verification of the proper functioning of the~~
5 ~~device;~~
6 ~~(e) Require the person to have the device serviced and monitored at least every thirty~~
7 ~~(30) days for proper functioning by an entity approved by the Transportation~~
8 ~~Cabinet; and~~
9 ~~(f) Require the person to pay the reasonable cost of leasing or buying, installing,~~
10 ~~servicing, and monitoring the device. The court may establish a payment schedule~~
11 ~~for the person to follow in paying the cost.~~
12 ~~(3) The Transportation Cabinet shall:]~~
13 ***(2) Nothing in this section limits:***
14 ***(a) The person's right to apply for an ignition interlock license during any***
15 ***period of suspension or revocation arising from the same incident;***
16 ***(b) The cabinet's authority to issue an ignition interlock license during any***
17 ***period of suspension or revocation arising from the same incident if the***
18 ***person meets all application requirements and is otherwise eligible for such***
19 ***license; or***
20 ***(c) The person from receiving credit on a day-for-day basis toward any ignition***
21 ***interlock requirement in paragraph (a) of this subsection for any period the***
22 ***person held a valid ignition interlock license during any period of***
23 ***suspension or revocation arising from the same incident.***
24 ***A person prohibited from operating any motor vehicle or motorcycle***
25 ***without a functioning ignition interlock device under paragraph (a) of***
26 ***subsection (1) of this section shall receive any court-determined credit on a***
27 ***day-for-day basis toward any such ignition interlock requirement for any***

1 ***period the person holds a valid ignition interlock license during any period***
2 ***of suspension or revocation arising from the same incident.***
3 ~~[(a) Certify ignition interlock devices for use in this Commonwealth;~~
4 ~~(b) Approve ignition interlock device installers who install functioning ignition~~
5 ~~interlock devices under the requirements of this section;~~
6 ~~(c) Approve servicing and monitoring entities identified in paragraph (e) of~~
7 ~~subsection (2) of this section and require those entities to report on driving~~
8 ~~activity within seven (7) days of servicing and monitoring each ignition~~
9 ~~interlock device to the respective court, prosecuting attorney, and defendant;~~
10 ~~(d) Publish and periodically update on the Transportation Cabinet Web site a list~~
11 ~~of the certified ignition interlock devices, the approved ignition interlock~~
12 ~~installers, and the approved servicing and monitoring entities;~~
13 ~~(e) Develop a warning label that an ignition interlock device installer shall place~~
14 ~~on a functioning ignition interlock device before installing that device. The~~
15 ~~warning label shall warn of the penalties established in KRS 189A.345; and~~
16 ~~(f) Promulgate administrative regulations to carry out the provisions of this~~
17 ~~subsection.]~~
18 ➔Section 9. KRS 189A.345 is amended to read as follows:
19 (1) No person shall operate a motor vehicle or motorcycle without a functioning
20 ignition interlock device when prohibited to do so under ***Section 11 of this Act***~~[KRS~~
21 ~~189A.340(1) or under KRS 189A.410(2)]~~.
22 (2) (a) No person shall start a motor vehicle or motorcycle equipped with an ignition
23 interlock device for the purpose of providing an operable motor vehicle or
24 motorcycle to a person subject to the prohibition established in ***Section 11 of***
25 ***this Act***~~[KRS 189A.340(1) or under KRS 189A.410(2)(b)]~~.
26 (b) Any person who violates paragraph (a) of this subsection shall:
27 1. For a first offense, be guilty of a Class B misdemeanor; and

1 2. For a second or subsequent offense, be guilty of a Class A misdemeanor.
2 (3) (a) No person shall:
3 1. Knowingly install a defective ignition interlock device on a motor
4 vehicle or motorcycle; or
5 2. Tamper with an installed ignition interlock device with the intent of
6 rendering it defective.
7 (b) Any person who violates paragraph (a) of this subsection shall:
8 1. For a first offense, be guilty of a Class B misdemeanor; and
9 2. For a second or subsequent offense, be guilty of a Class A misdemeanor
10 and be prohibited from installing ignition interlock devices or directing
11 others in the installation of ignition interlock devices.
12 (4) (a) No person shall direct another person to install a defective ignition interlock
13 device on a motor vehicle or motorcycle when the person giving the direction
14 knows that the ignition interlock device is defective.
15 (b) Any person who violates paragraph (a) of this subsection shall:
16 1. For a first offense, be guilty of a Class B misdemeanor; and
17 2. For a second or subsequent offense, be guilty of a Class A misdemeanor
18 and be prohibited from directing others in the installation of ignition
19 interlock devices or installing ignition interlock devices.
20 ➔Section 10. KRS 189A.400 is amended to read as follows:
21 (1) The District Court shall have exclusive jurisdiction over the issuance of ***ignition***
22 ***interlock and*** hardship licenses.
23 (2) The county attorney shall review applications submitted to the District Court and
24 may object to the issuance of ***ignition interlock and***~~[a]~~ hardship ***licenses***~~[license]~~.
25 ➔Section 11. KRS 189A.420 is amended to read as follows:
26 ***(1) A person shall be eligible for an ignition interlock license:***
27 ***(a) During a period of license suspension under KRS Chapter 189A or upon***

1 ***the conclusion of a license revocation period pursuant to Section 8 of this***
2 ***Act; or***
3 ***(b) If he or she was convicted pursuant to KRS 189A.010(1)(a), (b), (e), or (f)***
4 ***and has enrolled in and is actively participating or has completed, alcohol***
5 ***or substance treatment.***
6 ***(2)*** Before ***authorizing a person to apply for an ignition interlock license***[~~granting~~
7 ~~hardship driving privileges~~], the court shall order the ***person***[~~defendant~~] to:
8 ***(a)***[~~(1)~~] Provide the court with proof of motor vehicle insurance;
9 ***(b)***[~~(2)~~] ***If necessary,*** provide the court with a written, sworn statement from his
10 employer***, on a form provided by the cabinet,*** detailing[~~ his job, hours of~~
11 ~~employment, and~~] the necessity for the defendant to use ***the employer's***[~~a~~]
12 motor vehicle[~~ either~~] in his work ***at the direction of the employer during***
13 ***working hours, and acknowledging that the person is restricted from using***
14 ***an employer's nonignition interlock equipped vehicle until the expiration of***
15 ***thirty (30) days from the date of issuance of an ignition interlock license for***
16 ***a first offense or twelve (12) months from the date of issuance of an ignition***
17 ***interlock license for a second or subsequent offense in violation of KRS***
18 ***189A.010***[~~or in travel to and from work (if the license is sought for~~
19 ~~employment purposes)~~]; ***and***
20 [~~(3) If the defendant is self-employed, to provide the information required in subsection~~
21 ~~(2) together with a sworn and notarized statement (under the penalties of false~~
22 ~~swearing) as to its truth;~~
23 ~~(4) Provide the court with a written, sworn statement from the school or educational~~
24 ~~institution which he attends, of his class schedule, courses being undertaken, and~~
25 ~~the necessity for the defendant to use a motor vehicle in his travel to and from~~
26 ~~school or other educational institution (if the license is sought for educational~~
27 ~~purposes). Licenses for educational purposes shall not include participation in~~

1 ~~sports, social, extracurricular, fraternal, or other noneducational activities;~~
2 ~~(5) Provide the court with a written, sworn statement from a physician, or other medical~~
3 ~~professional licensed (but not certified) under the laws of Kentucky, attesting to the~~
4 ~~defendant's normal hours of treatment, and the necessity to use a motor vehicle to~~
5 ~~travel to and from the treatment (if the license is sought for medical purposes);~~
6 ~~(6) Provide the court with a written, sworn statement from the director of any alcohol or~~
7 ~~substance abuse education or treatment program as to the hours in which the~~
8 ~~defendant is expected to participate in the program, the nature of the program, and~~
9 ~~the necessity for the defendant to use a motor vehicle to travel to and from the~~
10 ~~program (if the license is sought for alcohol or substance abuse education or~~
11 ~~treatment purposes);~~
12 ~~(7) Provide the court with a copy of any court order relating to treatment, participation~~
13 ~~in driver improvement programs, or other terms and conditions ordered by the court~~
14 ~~relating to the defendant which require the defendant to use a motor vehicle in~~
15 ~~traveling to and from the court-ordered program. The judge shall include in the~~
16 ~~order the necessity for the use of the motor vehicle; and~~]
17 *(c)*[~~(8)~~] Provide to the court such other information as may be required by
18 administrative regulation of the Transportation Cabinet.
19 ***(3) No court shall grant authorization for a person to operate only motor vehicles or***
20 ***motorcycles equipped with a functioning ignition interlock device, unless and***
21 ***until the person:***
22 ***(a) Provides proof that the person has been issued or has filed a completed***
23 ***application with the Transportation Cabinet for issuance of an ignition***
24 ***interlock license pursuant to Section 14 of this Act; and***
25 ***(b) Provides a certificate of installation of an ignition interlock device issued by***
26 ***a certified ignition interlock device provider pursuant to Section 14 of this***
27 ***Act.***

1 *(4) Whenever the court grants authorization to apply for an ignition interlock license*
2 *pursuant to this section, the court through court order, shall:*
3 *(a) Prohibit the person from operating any motor vehicle or motorcycle without*
4 *a functioning ignition interlock device;*
5 *(b) Require that within the first thirty (30) days of installation of an ignition*
6 *interlock device and every sixty (60) days thereafter, the person shall have*
7 *the device serviced pursuant to the administrative regulations promulgated*
8 *by the cabinet under Section 15 of this Act.*
9 *(c) If the requirements of paragraph (b) of subsection (2) of this section are*
10 *met, allow that after the expiration of thirty (30) days from the date of*
11 *issuance of an ignition interlock license for a first offense or twelve (12)*
12 *months from the date of issuance of an ignition interlock license for a*
13 *second or subsequent offense in violation of KRS 189A.010, the person may*
14 *use an employer's nonignition interlock equipped vehicle as part of the*
15 *employee's job duties if the person is to be authorized by the cabinet to use a*
16 *nonignition interlock vehicle owned or leased by the employer as part of the*
17 *employee's job duties.*
18 *(5) Upon authorizing a person to operate only motor vehicles or motorcycles*
19 *equipped with a functioning ignition interlock device, the court, without a waiver*
20 *or a stay of the following procedure, shall:*
21 *(a) Transmit its order and other appropriate information to the Transportation*
22 *Cabinet;*
23 *(b) Direct that the Transportation Cabinet records reflect:*
24 *1. That during the applicable suspension or revocation period or upon*
25 *the conclusion of a license revocation period, the person shall not*
26 *operate a motor vehicle or motorcycle without a functioning ignition*
27 *interlock device;*

1 *2. Whether the court has expressly permitted the person to operate a*
2 *motor vehicle or motorcycle without a functioning ignition interlock*
3 *device, as provided in paragraph (b) of subsection (2) of this section;*
4 *and*
5 *3. Direct the Transportation Cabinet to issue to any person restricted*
6 *pursuant to this section an ignition interlock license that states the*
7 *person shall operate only a motor vehicle or motorcycle equipped with*
8 *a functioning ignition interlock device. However, if the exception*
9 *provided for in paragraph (b) of subsection (2) of this section applies,*
10 *the license shall indicate the exception.*
11 *(6) All persons applying for an ignition interlock license shall pay a nonrefundable*
12 *application fee to the Transportation Cabinet in an amount not to exceed the*
13 *actual cost to the cabinet for issuing the ignition interlock license, but not to*
14 *exceed two hundred dollars ($200).*
15 *(7) The court shall require the person to pay the reasonable cost of leasing or buying,*
16 *installing, servicing, and monitoring the device. If the court determines that a*
17 *defendant is indigent, the court may, based on a sliding scale established by the*
18 *Supreme Court of Kentucky by rule, require the defendant to pay the costs*
19 *imposed under this section in an amount that is less than the full amount of the*
20 *costs associated with the lease, purchase, or installation of an ignition interlock*
21 *device and associated servicing and monitoring fees. If a defendant pays to an*
22 *ignition interlock provider the amount ordered by the court under this subsection,*
23 *the provider shall accept the amount as payment in full. Neither the*
24 *Commonwealth, Transportation Cabinet, or any unit of state or local government*
25 *shall be responsible for payment of any costs associated with an ignition interlock*
26 *device.*
27 ➔Section 12. KRS 189A.440 is amended to read as follows:

1 (1) No ***person***[~~ defendant~~] who is ***issued an ignition interlock license under Section***
2 ***11 of this Act or***[~~permitted to have~~] a hardship license shall operate a motor vehicle
3 at any time, place, or for any purpose other than those authorized upon the face of
4 the ***ignition interlock or*** hardship license ***issued under Section 16 of this Act***.
5 (2) Any defendant who violates the provisions of subsection (1) of this section is guilty
6 of a Class A misdemeanor, and shall have his license revoked for the initial period
7 of revocation plus an additional six (6) months.
8 (3) Any defendant or any other person who knowingly assists the defendant in making a
9 false application statement is guilty of a Class A misdemeanor and shall have his
10 motor vehicle or motorcycle operator's license revoked for six (6) months.
11 ➔Section 13. KRS 189A.240 is amended to read as follows:
12 In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)***(a)***[~~(b)~~],
13 if the court determines by a preponderance of the evidence that:
14 (1) The person was charged and arrested by a peace officer with a violation of KRS
15 189A.010(1)(a), (b), (c), (d), or (e);
16 (2) The peace officer had reasonable grounds to believe that the person was operating a
17 motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
18 (3) There is probable cause to believe that the person committed the violation of KRS
19 189A.010(1)(a), (b), (c), (d), or (e) as charged; and
20 (4) The person has been convicted of one (1) or more prior offenses as described in
21 KRS 189A.010(5)(e) or has had his motor vehicle operator's license suspended or
22 revoked on one (1) or more occasions for refusing to take an alcohol concentration
23 or substance test, in the five (5) year period immediately preceding his arrest, then
24 the court shall continue to suspend the person's operator's license or privilege to
25 operate a motor vehicle. The provisions of this section shall not be construed as
26 limiting the person's ability to challenge any prior convictions or license
27 suspensions or refusals.

1 ➔Section 14. KRS 189A.250 is amended to read as follows:
2 In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)***(b)***[~~(c)~~],
3 if the court determines by a preponderance of the evidence that:
4 (1) The person was charged and arrested by a peace officer with violation of KRS
5 189A.010;
6 (2) The officer had reasonable grounds to believe that the person was operating or in
7 physical control of a motor vehicle in violation of KRS 189A.010;
8 (3) There is probable cause to believe that the person committed the violation of KRS
9 189A.010(1) as charged; and
10 (4) There is probable cause to believe that the person was involved in an accident that
11 resulted in death or serious physical injury as defined in KRS 500.080 to a person
12 other than the defendant;
13 then the court shall continue the suspension of the person's operator's license or privilege
14 to operate a motor vehicle during the pendency of the proceedings.
15 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 189A IS CREATED
16 TO READ AS FOLLOWS:
17 ***(1) The Transportation Cabinet shall:***
18 ***(a) Issue ignition interlock license application forms and other forms necessary***
19 ***for the implementation of ignition interlock licenses;***
20 ***(b) Create a uniform certificate of installation to be provided to a defendant by***
21 ***an ignition interlock provider upon installation of a certified ignition***
22 ***interlock device;***
23 ***(c) Create an ignition interlock license for issuance to any person granted***
24 ***authorization by the court to receive an ignition interlock license;***
25 ***(d) Certify ignition interlock devices approved for use in the Commonwealth;***
26 ***(e) Publish and periodically update on the Transportation Cabinet Web site a***
27 ***list of contact information, including a link to the Web site of each certified***

1 *ignition interlock device provider, with the entity appearing first on the list*
2 *changing on a statistically random basis each time a unique visitor visits the*
3 *list of the approved ignition interlock installers and the approved servicing*
4 *and monitoring entities; and*
5 *(f) Promulgate administrative regulations to carry out the provisions of this*
6 *section.*
7 *(2) No model of ignition interlock device shall be certified for use in the*
8 *Commonwealth unless it meets or exceeds standards promulgated by the*
9 *Transportation Cabinet pursuant to this section.*
10 *(3) In bidding for the contract with the Transportation Cabinet to provide ignition*
11 *interlock devices and servicing or monitoring or both, the ignition interlock*
12 *provider shall take into account that some defendants will not be able to pay the*
13 *full cost of the ignition interlock device or servicing and monitoring fees.*
14 *(4) Upon the effective date of this Act, any contract between the cabinet and an*
15 *ignition interlock device provider shall include the following:*
16 *(a) A requirement that the provider accept reduced payments as a full payment*
17 *for all purposes from persons determined to be indigent by a court*
18 *authorizing the use of an ignition interlock device pursuant to subsection*
19 *(7) of Section 11 of this Act;*
20 *(b) A requirement that no unit of state or local government and no public*
21 *officer or employee shall be liable for the cost of purchasing or installing*
22 *the ignition interlock device or associated costs;*
23 *(c) A requirement that the provider agree to a price for the cost of leasing or*
24 *purchasing an ignition interlock device and any associated servicing or*
25 *monitoring fees during the duration of the contract. This price shall not be*
26 *increased but may be reduced during the duration of the contract;*
27 *(d) Requirements and standards for the servicing, inspection, and monitoring*

1 *of the ignition interlock device;*
2 *(e) Provisions for training for service center technicians and clients;*
3 *(f) A requirement that the provider electronically transmit reports on driving*
4 *activity within seven (7) days of servicing an ignition interlock device to the*
5 *respective court, prosecuting attorney, and defendant;*
6 *(g) Requirements for a transition plan for the ignition interlock device provider*
7 *before the provider leaves the state to ensure that continuous monitoring is*
8 *achieved and to provide a minimum forty-five (45) day notice to the cabinet*
9 *of any material change to the design of the ignition interlock device, or any*
10 *changes to the vendor's installation, servicing, or monitoring capabilities;*
11 *(h) A requirement that, before beginning work, the ignition interlock device*
12 *provider have and maintain insurance as approved by the cabinet, including*
13 *vendor's public liability and property damage insurance, in an amount*
14 *determined by the cabinet, that covers the cost of defects or problems with*
15 *product design, materials, workmanship during manufacture, calibration,*
16 *installation, device removal, or any use thereof;*
17 *(i) A provision requiring that an ignition interlock provider agree to hold*
18 *harmless and indemnify any unit of state or local government, public*
19 *officer, or employee from all claims, demands, and actions, as a result of*
20 *damage or injury to persons or property which may arise, directly or*
21 *indirectly, out of any action or omission by the ignition interlock provider*
22 *relating to the installation, service, repair, use, or removal of an ignition*
23 *interlock device;*
24 *(j) A requirement that a warning label to be affixed to each ignition interlock*
25 *device upon installation. The label shall contain a warning that any person*
26 *who tampers with, circumvents, or otherwise misuse the device commits a*
27 *violation of law under KRS 189A.345; and*

1 ***(k) A requirement that a provider will remove an ignition interlock device***
2 ***without cost, if the device is found to be defective.***
3 ➔Section 16. KRS 189A.410 is amended to read as follows:
4 (1) At any time following the expiration of the minimum license suspension periods
5 enumerated in***:***
6 ***(a)*** KRS 189A.010(6)***; or***[~~,~~]
7 ***(b) KRS*** 189A.070 ***for a violation of:***[~~, and 189A.107,~~]
8 ***1. KRS 189A.010(1)(c) or (d); or***
9 ***2. KRS 189A.010(1)(a), (b), or (e) for a first offense within a five (5) year***
10 ***period if, at the time of the offense, none of the aggravating***
11 ***circumstances enumerated under KRS 189A.010(11) were present***
12 ***while the person was operating or in control of a motor vehicle;***
13 the court may grant the person hardship driving privileges for the balance of the
14 suspension period imposed by the court, upon written petition of the defendant, if
15 ***the court***[~~ it~~] finds reasonable cause to believe that revocation would hinder the
16 person's ability to ***continue his employment; continue attending school or an***
17 ***educational institution; obtain necessary medical care; attend driver***
18 ***improvement, alcohol, or substance abuse education programs; or attend court-***
19 ***ordered counseling or other programs***[~~:~~
20 ~~(a) Continue his employment;~~
21 ~~(b) Continue attending school or an educational institution;~~
22 ~~(c) Obtain necessary medical care;~~
23 ~~(d) Attend driver improvement, alcohol, or substance abuse education programs;~~
24 ~~or~~
25 ~~(e) Attend court-ordered counseling or other programs~~].
26 (2) ***Before granting hardship driving privileges, the court shall order the person to:***
27 ***(a) Provide the court with proof of motor vehicle insurance;***

1 *(b) If necessary, provide the court with a written, sworn statement from his or*
2 *her employer, on a form provided by the cabinet, detailing his or her job,*
3 *hours of employment, and the necessity for the person to use the employer's*
4 *motor vehicle either in his or her work at the direction of the employer*
5 *during working hours, or in travel to and from work if the license is sought*
6 *for employment purposes; and*
7 *(c) If the person is self-employed, to provide the information required in*
8 *paragraph (b) of this subsection together with a sworn statement as to its*
9 *truth;*
10 *(d) Provide the court with a written, sworn statement from the school or*
11 *educational institution which he attends, of his or her class schedule,*
12 *courses being undertaken, and the necessity for the person to use a motor*
13 *vehicle in his travel to and from school or other educational institution if*
14 *the license is sought for educational purposes. Licenses for educational*
15 *purposes shall not include participation in sports, social, extracurricular,*
16 *fraternal, or other noneducational activities;*
17 *(e) Provide the court with a written, sworn statement from a physician, or other*
18 *medical professional licensed but not certified under the laws of Kentucky,*
19 *attesting to the person's normal hours of treatment, and the necessity to use*
20 *a motor vehicle to travel to and from the treatment if the license is sought*
21 *for medical purposes;*
22 *(f) Provide the court with a written, sworn statement from the director of any*
23 *alcohol or substance abuse education or treatment program as to the hours*
24 *in which the person is expected to participate in the program, the nature of*
25 *the program, and the necessity for the person to use a motor vehicle to*
26 *travel to and from the program if the license is sought for alcohol or*
27 *substance abuse education or treatment purposes;*

1 ***(g) Provide the court with a copy of any court order relating to treatment,***
2 ***participation in driver improvement programs, or other terms and***
3 ***conditions ordered by the court relating to the person which require him or***
4 ***her to use a motor vehicle in traveling to and from the court-ordered***
5 ***program. The judge shall include in the order the necessity for the use of***
6 ***the motor vehicle; and***
7 ***(h) Provide to the court any information as may be required by administrative***
8 ***regulation of the Transportation Cabinet***[~~Whenever the court grants a person~~
9 ~~hardship driving privileges under subsection (1) of this section, the court~~
10 ~~through court order, may:~~
11 ~~(a) Prohibit the person from operating any motor vehicle or motorcycle without a~~
12 ~~functioning ignition interlock device;~~
13 ~~(b) Require that the person comply with all of the requirements of KRS~~
14 ~~189A.340, except for the requirements found in KRS 189A.340(1); and~~
15 ~~(c) Require the person to install an ignition interlock device on every vehicle~~
16 ~~owned or leased by the person who is permitted to operate a motor vehicle~~
17 ~~under this section~~].
18 (3) The court shall not issue a hardship license to a person who has refused to take an
19 alcohol concentration or substance test or tests offered by a law enforcement officer.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 4-6-15